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WEST CONTRA COSTA HEALTHCARE
DISTRICT

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re:

WEST CONTRA COSTA HEALTHCARE
DISTRICT.

Debtor.

Tax ID: 94-6003145

Case No. 16-42917

Chapter 9

EX PARTE APPLICATION FOR ORDER:
(1) DIRECTING AND APPROVING FORM OF
NOTICE; (2) SETTING DEADLINE FOR
FILING OBJECTIONS TO PETITION;
(3) SETTING DEADLINE FOR FILING LIST
OF CREDITORS; (4) SETTING DEADLINE
FOR FILING PROOFS OF CLAIMS; AND
(5) LIMITING NOTICE

West Contra Costa Healthcare District, a California Local Health Care District (the "District"), hereby seeks an order: (1) directing and approving form of notice pursuant to Section 923 of the Bankruptcy Code; (2) setting a deadline for filing objections to the petition initiating this Chapter 9 case (the "Petition") pursuant to Section 921 of Title 11 of the United States Code (11 U.S.C. §§ 101 *et seq.*, the "Bankruptcy Code"); (3) setting a deadline for filing the District's

1 list of creditors pursuant to Section 924 of the Bankruptcy Code; (4) setting a deadline for filings
2 proofs of claim in this Chapter 9 case pursuant to Rule 3003(c)(3) of the Federal Rules of
3 Bankruptcy Procedure (the “Bankruptcy Rules”); and (5) limiting notice; and respectfully states as
4 follows:

5 1. The District filed its Petition on October 20, 2016 (the “Petition Date”). The
6 District is a public agency formed in 1948 under the State of California Local Healthcare District
7 Law.

8 2. The District filed this Chapter 9 case to obtain relief from creditor collection
9 actions and access to certain revenues needed in order to provide the District with time to effect a
10 Plan of Adjustment of the District’s substantial debts. The District intends to use this Chapter 9
11 case to effect a Plan of Adjustment so that the District can satisfy, to the extent possible, its
12 obligations to creditors and to potentially resume operations aimed at enhancing the health, safety,
13 and welfare of the citizens of the District or otherwise provide for the future direction of the
14 District.

15 **Notice of Commencement of Case and Entry of Order for Relief**

16 3. Section 923 of the Bankruptcy Code requires that notice of the commencement of
17 the case and entry of the Order for Relief be given and that such notice be published once a week
18 for three successive weeks in at least one newspaper of general circulation within this judicial
19 district and in a newspaper having a general circulation among bond dealers and bondholders. 11
20 U.S.C. § 923.

21 4. A proposed form of notice (the “Notice”) is attached hereto as “**Exhibit A**”. The
22 Notice includes the notice of the automatic stay and of deadlines for objecting to the Petition and
23 for filing proofs of claim, discussed below.

24 5. The District believes that the *Contra Costa Times* is a newspaper of general
25 circulation within the Northern District of California and are appropriate for a healthcare district
26 serving the West Contra Costa County. The District further believes that the West Coast edition
27 of the *Wall Street Journal* has a general circulation among bond dealers and bondholders. The
28 District respectfully submits that publication of the Notice in said newspapers constitutes good and

1 sufficient notice as required by Section 923 of the Bankruptcy Code. The District also proposes to
2 send the Notice via U.S. Mail to all known creditors of the District.

3 6. The District therefore respectfully requests an order approving the form of Notice,
4 directing service of the Notice via U.S. Mail on all known creditors of the District, and directing
5 publication of the Notice once a week for three consecutive weeks in the *Contra Costa Times* and
6 West Coast edition of the *Wall Street Journal*.

7 **Deadline for Filing Objections to Petition**

8 7. Section 921(d) of the Bankruptcy Code provides for the entry of an Order for
9 Relief in a Chapter 9 case only if the Petition is not dismissed under Section 921(c). Dismissal
10 under Section 921(c) requires that an objection to the Petition be filed. In order to expedite the
11 entry of an Order for Relief in this case, the District requests that the deadline for filing objections
12 to the Petition be established as November 30, 2016.

13 8. The Notice, attached hereto as “**Exhibit A**”, provides for notice of the deadline for
14 filing objections to the Petition and provides that if no objection to the Petition is timely filed that
15 the Notice be deemed notice of the Order for Relief. The District respectfully requests that this
16 Court approve this provision of the Notice.

17 **Deadline for Filing List of Creditors**

18 9. Section 924 of the Bankruptcy Code and Rule 1007(a) of the Bankruptcy Rules
19 require that the District file a List of Creditors. Bankruptcy Rule 1007(e) provides that, in a
20 Chapter 9 case, the List of Creditors shall be filed within such time as the Court shall fix.

21 10. The District and its counsel are actively engaged in reviewing and analyzing the
22 District’s liabilities and expect to complete that process on or before November 11, 2016. The
23 District respectfully requests that this Court set the deadline for filing the List of Creditors as
24 November 11, 2016.

25 **Deadline for Filings Proofs of Claims**

26 11. Bankruptcy Rule 3003(c)(3) provides that this Court shall fix the time for filing
27 Proofs of Claims in this Chapter 9 Case. The District respectfully requests that this Court set
28 January 31, 2017, as the deadline for filing Proofs of Claims against the District.

Limiting Notice

12. The District has over 1400 creditors. It would be impractical and would impose a large administrative and economic burden on the District to require parties in interest to mail notices of every matter in this case to all parties listed on the District's creditor matrix.

13. To streamline the bankruptcy process and reduce the cost of providing notice while ensuring that the appropriate parties are informed of matters as they arise in this Chapter 9 case, the District requests that, with respect to all matters or proceedings other than those involving the matters or proceedings referred to in Bankruptcy Rule 2002(a)(5) & (7), (b), and (f), as applicable, the Court order that notice need be served only upon the following parties and their counsel (the "Special Notice Parties"): (1) the District; (2) the Creditors' Committee appointed in this Chapter 9 case or, if no such committee has been appointed, to the holders of the twenty largest unsecured claims in this case; (3) U.S. Bank as trustee for certain bond indebtedness of the District; (4) the County of Contra Costa; (5) creditors who file with the Court and serve on the District's counsel a request that such notices be mailed to them; and (6) any party against whom direct relief is sought by motion, application, or otherwise.

14. Notwithstanding the foregoing, the Notice, attached hereto as "**Exhibit A**", will be served upon all of the District's creditors thereby providing them with an opportunity to become a Special Notice Party by filing a request that notices be mailed to them.

WHEREFORE, the District respectfully requests that this Court enter its order approving the form of Notice attached hereto as "**Exhibit A**": (1) approving the manner of notice and publication set forth herein; (2) establishing deadlines for filing objections to the Petition, the List of Creditors, and proofs of claims; (3) limiting notice; and (4) for such other and further relief as required.

Dated: October 20, 2016

DENTONS US LLP

By: /s/ Samuel R. Maizel
Samuel R. Maizel
Attorneys for Debtor

EXHIBIT “A”

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10 Attorneys for Debtor
11 WEST CONTRA COSTA HEALTHCARE
DISTRICT
12

13 **UNITED STATES BANKRUPTCY COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**
16

17 In re:
18 WEST CONTRA COSTA HEALTHCARE
19 DISTRICT.

20 Debtor.

21 Tax ID: 94-6003145
22
23

Case No. 16-42917

Chapter 9

NOTICE OF COMMENCEMENT OF CASE
UNDER CHAPTER 9, NOTICE OF
AUTOMATIC STAY, NOTICE OF DEADLINE
FOR FILING OBJECTIONS TO THE
PETITION, NOTICE OF DEADLINE FOR
FILING PROOFS OF CLAIMS, AND
RELATED ORDERS

24 TO CREDITORS AND OTHER PARTIES IN INTEREST:
25

26 NOTICE IS HEREBY GIVEN THAT:

27 1. **Commencement of a Case Under Chapter 9.** West Contra Costa Healthcare
28 District (the "District") filed its voluntary petition under Chapter 9 of the United States

1 Bankruptcy Code (the “Petition”) on October 20, 2016 (the “Petition Date”). The District is a
2 public agency formed in 1948 under the State of California Local Healthcare District Law.

3 2. **Automatic Stay.** The filing of the Petition operates as a stay, applicable to all
4 entities, of, among other things, the commencement or continuation, including the issuance or
5 employment of process, of a judicial, administrative, or other action against the District or against
6 an officer or inhabitant of the District that seeks to enforce a claim against the District, and the
7 enforcement of a lien on or arising out of taxes or assessments owed to the Debtor, and certain
8 other acts and proceedings against the District or its property as provided in 11 U.S.C. §§ 362 and
9 922.

10 3. **Deadline for Filing Objections to the Petition.** Objections to the Petition may be
11 filed by a party in interest not later than November 30, 2016. Objections shall be filed by
12 Electronic Court Filing (“ECF”) or with the Clerk of the United States Bankruptcy Court, 1300
13 Clay Street, Post Office Box 2070, Oakland, California 94604-2070, with copies served on
14 counsel for the District at the addresses set forth on the first page of this Notice. Any objection
15 shall state the facts and legal authorities relied upon in support of such objection. If a timely
16 objection is filed and served, a hearing will be held on the objection upon notice to parties in
17 interest of such hearing.

18 4. **Order for Relief.** If no objection is timely filed, the filing of the Petition shall be
19 deemed an Order for Relief under Chapter 9 and this notice shall be deemed notice of such Order
20 for Relief.

21 5. **Deadline for Filing Proofs of Claims.** The District will file a List of Creditors on
22 or before November 11, 2016. Any creditor holding a claim in this case that is included on the
23 List of Creditors and is not listed as contingent, unliquidated, or disputed need not file a proof of
24 claim in this case. A creditor whose claim is not listed or whose claim is listed as contingent,
25 unliquidated, or disputed and who desires to participate in the case or share in any distribution
26 **MUST** file a proof of claim on or before January 31, 2017. Such proof of claim shall be filed via
27 ECF or with the Clerk of the United States Bankruptcy Court, 1300 Clay Street, Post Office Box
28 2070, Oakland, California 94604-2070. Any creditor who desires to rely on the List of Creditors

1 has the responsibility for determining that the claim is accurately listed. **ANY CREDITOR**
2 **THAT IS REQUIRED TO, BUT DOES NOT, FILE A PROOF OF CLAIM WITHIN THE**
3 **TIME FIXED FOR FILING SHALL BE FOREVER BARRED FROM:**
4 **(1) PARTICIPATING IN THE CHAPTER 9 CASE; (2) VOTING WITH RESPECT TO**
5 **ANY PLAN FOR THE ADJUSTMENT OF THE DISTRICT'S DEBTS; AND**
6 **(3) RECEIVING ANY DISTRIBUTION UNDER SUCH PLAN.**

7 6. **Notices.** Notices required by Rule 2002 of the Federal Rules of Bankruptcy
8 Procedure, other than those involving the matters or proceedings referred to in Bankruptcy Rule
9 2002(a)(5) & (7), (b), and (f), as applicable, shall be mailed only to the following parties and their
10 counsel (the "Special Notice Parties"): (1) the District; (2) the Creditors' Committee appointed in
11 this Chapter 9 case or, if no such committee has been appointed, to the holders of the twenty
12 largest unsecured claims in this case; (3) U.S. Bank as trustee for certain bond indebtedness of the
13 District; (4) the County of Contra Costa; (5) creditors who file with the Court and serve on the
14 District's counsel a request that such notices be mailed to them; and (6) any party against whom
15 direct relief is sought by motion, application, or otherwise. If you wish to become a Special
16 Notice Party and receive all notices in this Chapter 9 case you may file with the Court and serve
17 on the District's counsel a request that such notices be mailed to you.

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19 Dated: October 20, 2016

DENTONS US LLP

20 By: /s/ Samuel R. Maizel
21 Samuel R. Maizel
22 Attorneys for Debtor
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